

From the INTERNATIONAL BUREAU

**PCT**NOTIFICATION CONCERNING  
TRANSMITTAL OF COPY OF INTERNATIONAL  
PRELIMINARY REPORT ON PATENTABILITY  
(CHAPTER I OF THE PATENT COOPERATION  
TREATY)

(PCT Rule 44bis.1(c))

To:

*H. E. M. D. R. V. / 12*  
MURGITROYD & COMPANY  
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Date of mailing ( <i>day/month/year</i> ) 26 March 2009 (26.03.2009)		
Applicant's or agent's file reference P44245.WO.01		IMPORTANT NOTICE
International application No. PCT/GB2007/003492	International filing date ( <i>day/month/year</i> ) 14 September 2007 (14.09.2007)	
		Priority date ( <i>day/month/year</i> ) 15 September 2006 (15.09.2006)
Applicant PURSUIT DYNAMICS PLC et al		

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO  
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# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference P44245.WO.01	<b>FOR FURTHER ACTION</b> See item 4 below	
International application No. PCT/GB2007/003492	International filing date ( <i>day/month/year</i> ) 14 September 2007 (14.09.2007)	Priority date ( <i>day/month/year</i> ) 15 September 2006 (15.09.2006)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant PURSUIT DYNAMICS PLC		

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i>.1(a).</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																								
<p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44<i>bis</i>.3(c) and 93<i>bis</i>.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44<i>bis</i>.2).</p>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 338 82 70	Date of issuance of this report 17 March 2009 (17.03.2009)
	Authorized officer  Dorothee Mülhausen  e-mail: pt01.pct@wipo.int

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:

see form PCT/ISA/220

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/GB2007/003492

International filing date (day/month/year)  
14.09.2007

Priority date (day/month/year)  
15.09.2006

International Patent Classification (IPC) or both national classification and IPC  
INV. B05B7/04 A62C31/02

Applicant  
PURSUIT DYNAMICS PLC

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA:



European Patent Office - P.B. 3818 Patentlaan 2  
NL-2280 HV Rijswijk - Pays Bas  
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl  
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Date of completion of  
this opinion

see form  
PCT/ISA/210

Authorized Officer

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2007/003492

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ on paper
    - ☐ in electronic form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in electronic form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2007/003492

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**Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	<u>3,7-15,19,20</u>
	No: Claims	<u>1,2,4-6,16-18</u>
Inventive step (IS)	Yes: Claims	<u>3,7-15,19,20</u>
	No: Claims	<u>1,2,4-6,16-18</u>
Industrial applicability (IA)	Yes: Claims	<u>1-20</u>
	No: Claims	

2. Citations and explanations

see separate sheet

**Re Item V.**

- 1 Reference is made to the following documents:  
D1: FR-A-1 354 965 (SEMIAC) 13 March 1964 (1964-03-13)  
D2: WO 01/76764 A (CHROBAK JULIUS [SK]) 18 October 2001 (2001-10-18)  
D3: US-A-5 860 598 (CRUZ LUIS R [AR]) 19 January 1999 (1999-01-19)  
D4: US 2004/222317 A1 (HUFFMAN DAVID C [US]) 11 November 2004  
D5: US-A-5 252 298 (JONES DALE G [US]) 12 October 1993 (1993-10-12)  
D6: US 2006/102749 A1 (CRABTREE DENNIS W [US] ET AL) 18 May 2006 (2006-05-18)

**2 INDEPENDENT CLAIMS 1 AND 16**

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 16 is not new in the sense of Article 33(2) PCT.  
Document D1 discloses (the references in parentheses applying to this document):

An apparatus and method for generating a mist, comprising:  
an elongate hollow body (2); and  
an elongate member (7) located within the body such that a first transport fluid passage and a nozzle are defined between the body and the elongate member, the first transport fluid passage having a convergent-divergent internal geometry (fig. 1) and being in fluid communication with the nozzle;  
wherein the elongate member (7) includes a working fluid passage (fig. 2) and one or more communicating bores (8) extending radially outwardly from the working fluid passage, the bores allowing fluid communication between the working fluid passage and the first transport fluid passage.

**3 DEPENDENT CLAIMS 2, 4-6, 17, 18**

Dependent claims 2, 4-6, 17, 18 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2007/003492

**4 DEPENDENT CLAIMS 3, 7-15, 19, 20**

The combination of the features of dependent claims 3, 7-15, 19, 20 are neither known from, nor rendered obvious by, the available prior art. The reasons are as follows: none of the documents cited in the search report disclose or suggest the features in claims 3, 7-15, 19, 20.